

FREDERICK F. BROSE—LEGAL REPRESENTATIVES OF.

[To accompany Bill H. R. No. 586 ]

APRIL 6, 1860.

Mr. POTTLE, from the Committee on Naval Affairs, made the following

REPORT.

*The Committee on Naval Affairs, to whom was referred the petition of the legal representatives of Frederick F. Brose, report :*

It appears from the papers in this case that Passed-midshipman Frederick F. Brose, while on board the United States frigate Savannah, by order of Commander Samuel Mercer, performed the duties of lieutenant, there being no lieutenant on board said vessel ; that he performed said duties from the 13th of October, 1853, to the 22d day of April, 1854 ; and the commander certifies that he performed the duties to his entire satisfaction.

The law provides that when such services are performed by a midshipman by the *order* of the commander, and that order shall be approved by the department, the midshipman performing such service shall be entitled to lieutenant's pay.—(Act August 3, 1848.)

In this case, the order of the commander was a verbal one, and the department refuse to approve of it under the act.

As the omission appears not to have been the fault of the midshipman, and as he performed the duties well, we see no reason why he should not have been entitled to his pay in accordance with the spirit of the act aforesaid.

As it appears, further, that Midshipman Brose died without receiving such pay, your committee, in accordance with the prayer of the petition, ask leave to report a bill for the relief of his legal representatives in this respect.

